

**VICTIM & WITNESS ASSISTANCE BOARD
MASSACHUSETTS OFFICE FOR VICTIM ASSISTANCE**

Victims of Crime Act Assistance Programming

***Methods of Administration for Civil Rights Compliance and
Policies for Addressing Discrimination Complaints***

I. Purpose

This document establishes policy for civil rights compliance and procedures to be followed by employees of the Massachusetts Office for Victim Assistance (MOVA), as governed by the Victim & Witness Assistance Board, upon receiving a complaint alleging discrimination as made by an actual or prospective client, customer, program participant, consumer, employee, or applicant for employment, of a U.S. Department of Justice (DOJ) Victims of Crime Act (VOCA) award. This applies to MOVA's subrecipients and their subrecipients, and to MOVA itself.

II. Policy

All programs, activities, and services provided, performed, funded, or contracted by MOVA shall be conducted without discrimination based on race, color, national origin, sex, religion, disability, age as proscribed by U.S. law and additionally as proscribed by Massachusetts law. Furthermore, MOVA subrecipients and their subrecipients may not discriminate against employees or applicants for employment. MOVA seeks to ensure that all subrecipients and their subrecipients comply with all applicable laws regarding civil rights and non-discrimination, including, but not limited to the federal and Massachusetts laws listed below. These laws also prohibit retaliation against individuals for taking action or participating in action to secure rights protected by these laws.

Primary Federal Laws and Regulations

Section 601 of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) provides that no person shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. DOJ implementing regulation: Subpart C of 28 C.F.R. Part 42.

Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) provides that no otherwise qualified individual with a disability, as defined in 29 U.S.C. 705(20), shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. DOJ implementing regulation: Subpart G of 28 C.F.R. Part 42.

Section 901 of Title IX of the Education Amendments of 1972 (20 U.S.C. 1681) provides that no person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. DOJ implementing regulations: Subpart D of 28 C.F.R. Part 42; 28 C.F.R Part 54.

Section 303 of the Age Discrimination Act of 1975 (42 U.S.C. 6102) provides that no person shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance. DOJ implementing regulation: Subpart I of 28 C.F.R. Part 42.

Section 1407(e) of the Victims of Crime Act of 1984 (34 U.S.C. 20110(e)) provides that no person shall on the ground of race, color, religion, national origin, handicap, or sex be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with, any undertaking funded in whole or in part with sums made available under this subchapter. DOJ implementing regulation: Subpart B of 28 C.F.R. Part 94.

Section 809(c) of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10228(c)) provide that no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination under or denied employment in connection with programs or activities funded based on race, color, religion, national origin, or sex. DOJ implementing regulation: Subpart D of 28 C.F.R. Part 42.

DOJ regulations on Partnerships with Faith-Based and Other Neighborhood, which prohibit discrimination on the basis of religion in the delivery of services and prohibit organizations from using DOJ funding on explicitly religious activities (28 C.F.R. Part 38).

Massachusetts Laws

Massachusetts General Laws--primarily c. 151B—protect all people in Massachusetts from different or unfair treatment based on their identity as a member of a protected class such as, but not limited to: race, disability, age, national origin, gender, sexual orientation, veteran’s status, gender identity or expression.

III. Definitions

Discrimination: Unfair or unequal treatment based on membership in a protected class.

Retaliation: Adverse treatment of an individual for taking action or participating in action intended to secure rights protected by laws.

Civil Rights Complaint Coordinator (“Complaint Coordinator”): A MOVA employee responsible for receiving and acting upon complaints of discrimination. The MOVA chief of staff will fulfill this role.

Grant Manager: A MOVA primary point of contact for grant subrecipients, with responsibility for managing the subrecipients’ grant-related activities and compliance with the requirements of a particular grant award.

Complainant: The actual or potential client, customer, program participant, consumer, employee, job applicant alleging discrimination by a MOVA VOCA-funded subrecipient or their subrecipient.

Subrecipient: Any entity that receives VOCA funds directly from MOVA or through any of its subrecipients.

IV. Complaints of Discrimination or Unfair/Unequal Treatment

Complaints from an actual or prospective client, customer, program participant, consumer, employee, or job applicant of a MOVA subrecipient or their subrecipient; or of MOVA itself, shall be made in writing using the form called Complaint of Discrimination or Unfair/Unequal Treatment added to this MOA and also posted on the MOVA website (www.mass.gov/mova). Complaints must be: (1) signed by the Complainant; and (2) submitted to the MOVA Complaint Coordinator within 180 days or one year from the instance of discrimination alleged, depending on the applicable statute. Forms may be submitted by mail, email, or fax as indicated below.

Mail: MOVA Complaint Coordinator
Mass. Office for Victim Assistance
One Ashburton Pl., Suite 1310
Boston, MA 02108

Email: MOVA@mass.gov

Fax: 617-586-1341

V. MOVA Procedures for Processing Complaints

The following procedures shall be followed by MOVA employees in receiving and responding to complaints from an actual or prospective client, customer, program participant, consumer, employee, or job applicant with respect to actions by a VOCA subrecipient or one of their subrecipients. Procedures shall also be applied in instances of any such complaints made against MOVA, itself.

1. Should a MOVA employee receive a Complaint of Unfair/Unequal Treatment, the employee shall immediately email a copy of the complaint to the Complaint Coordinator. If a hard copy of the complaint exists, that hard copy shall also be given to the Complaint Coordinator immediately.
 - a. Should a MOVA employee receive a complaint other than on the Complaint of Unfair/Unequal Treatment form, the employee shall direct the complainant to complete and submit the form. The employee shall provide the form and/or the url for where the form is posted on the MOVA website.
2. Within 48 business hours, the Complaint Coordinator will review the complaint and determine:
 - (a) to which external agency the complaint shall be referred, or
 - (b) that that a referral will not be made. If a referral is to be made, it shall be made to the appropriate agency within 24 hours of the determination. The presumption shall be that the complaint will be referred unless there's clear reason not to (e.g., allegation of discrimination is made against an agency that is not a VOCA subrecipient).
3. Within three business days of receiving a complaint, the Complaint Coordinator will email written notification to the complainant acknowledging receipt of the complaint and documenting the name and contact information for the agency to which the complaint was referred. In the case of no referral, the complainant will be informed of same. If there is no email, the notification shall be made via U.S. Mail. In either case, all complainants will be informed that they may file a complaint directly with the Office for Civil Rights of the Office for Justice Programs, U.S. Department of Justice; the U.S. Equal Opportunity Commission; or the Massachusetts Commission Against Discrimination.

4. The Complaint Coordinator shall track all action taken for each complaint including the resolution of each.
 - a. When a referral is made to an external agency, the Complaint Coordinator shall notify MOVA's executive director and in writing, shall notify OCR.
 - b. In instances where a finding of discrimination is made, the executive director may take corrective action including the possibility of termination of any current awards and/or disqualification from future competition for awards.

VI. Notification of MOVA Employees

- This document shall be distributed to all MOVA employees and included in the MOVA Employee Manual.
- VOCA grant managers and compliance monitors will be trained specifically on their responsibility to refer a discrimination complaint within the framework of this MOA.

VII. Subrecipient Notification, Training, Monitoring

Notification

Prospective applicants and subrecipients shall be informed of their obligations to comply with applicable civil rights laws and regulations.

- All Requests for Grant Applications (RGAs) shall include background and reference to the civil rights compliance requirements for all subrecipients and their subrecipients, if applicable.
- Bidders' Conferences and Policy and Procedures trainings for subrecipients shall include segments on civil rights compliance requirements.
- MOVA's VOCA Policies & Procedures manual for subrecipients shall include sections on civil rights compliance. The manual shall be distributed to all VOCA subrecipients and posted on MOVA's website.
- As part of contracting, subrecipients shall be provided the OJP Standard Assurances and VOCA Award Special Conditions pertaining to their awards, both of which contain references to Civil Rights and Non-Discrimination. Subrecipients are to be required to sign acknowledgments of both prior to MOVA executing contracts.
- Additionally as part of contracting, MOVA is to notify subrecipients of all EEOP requirements including submitting the Certification Form, as well as their obligation to participate in OCR's online Training for Grantees.
- This MOA shall remain posted on MOVA's website.

Training

- All MOVA subrecipients shall be required to participate in post-award Policy and Procedures training. Incorporated into this training shall be the provisions of civil rights and non-discrimination laws and requirements as enforced by OCR and the provisions for reporting complaints as addressed in this document.
- Subrecipients shall be required to ensure appropriate staff view the OCR's online Training for Grantees and to assure that at least one trained staff is maintained over the course of the funded program period.

Monitoring

- MOVA's site monitoring protocol shall include questions from the Civil Rights Compliance Checklist in order for MOVA to assess compliance with civil rights and non-discrimination requirements. Such site visits and monitoring shall occur every two years, at a minimum.
- Addressing civil rights requirements during monitoring allows additional opportunity to inform subrecipients of their obligations and for MOVA to provide technical assistance as indicated.
- Any concerns regarding compliance shall be addressed in monitoring sessions and in MOVA's written feedback to subrecipients.
- Issues of particular concern shall be brought to the attention of the Complaint Coordinator for consultation and/or for further review as necessary.

**Victim & Witness Assistance Board
MASSACHUSETTS OFFICE FOR VICTIM ASSISTANCE**

Complaint of Discrimination or Unfair/Unequal Treatment

IMPORTANT NOTICES

- Filing a complaint with the Massachusetts Office for Victim Assistance (MOVA) is voluntary.
- Complaints should be submitted within 180 days or one year from the instance of the discrimination alleged, depending on the applicable statute.
- MOVA may or may not forward this complaint to the U.S. Department of Justice, Office of Justice Programs, Office for Civil Rights; to the U.S. Equal Employment Opportunity Commission; or to the Massachusetts Commission Against Discrimination (MCAD).
- For employment-related complaints, MOVA does not take responsibility for notifying the employer of a discrimination or retaliation claim, nor for filing this complaint with the appropriate agency or court within the required time-period for filing.

SUBMIT TO: MOVA Complaint Coordinator
Via mail, email, fax (listed on last page)

FROM: _____
Complainant's Full Name, Printed

DATE: _____

COMPLAINANT CONTACT INFORMATION

Name: _____
First Name Middle Name/Initial Last Name

Mailing Address: _____

City/State/ZIP: _____

Phone: _____

Email: _____

AGENCY AGAINST WHICH DISCRIMINATION CLAIM IS BEING MADE

Agency Name: _____

Agency Contact Person, if any: _____

Mailing Address: _____

City/State/ZIP: _____

Phone: _____

COMPLAINT

1. You're alleging discrimination on the basis of what?

- Race Color
- National Origin Age
- Religion Sex
- Disability Other, specify _____
- Retaliation for bringing a claim, participating in an investigation of a claim, or opposing discriminatory practices

2. Date most recent alleged discrimination occurred: _____

3. Location (e.g., building, room, address) most recent alleged discrimination occurred:

4. What happened? Please provide a detailed account of the alleged discrimination.

5. What would be a satisfactory resolution to this matter?

6. Have you filed a complaint or case related to this allegation with any of the entities below? Check all that apply.

Office for Civil Rights, Office of Justice Programs, U.S. Dept. of Justice

U.S. Equal Employment Opportunity Commission (EEOC)

Massachusetts Commission Against Discrimination (MCAD)

Federal or state court

Other, please specify: _____

7. For any of the above, please provide the information below.

Name of Agency/Court: _____

Date Filed: _____

Case/Docket Number: _____

Last or Pending Date of Hearing/Trial: _____

Location of Agency/Court: _____

Name of Investigator/Agency/Court Contact: _____

Status of Matter: _____

8. Are you represented by an attorney in this matter? Yes No

Complainant's Signature: _____ **Date:** _____

Complaint not valid without signature.

If this form was completed by someone other than the person making the complaint, please provide all information below.

Name: _____ **Date:** _____

Relationship to Complainant: _____

Agency, if applicable: _____

Complainant's Signature: _____ **Date:** _____

Complainant's signature acknowledges information provided is complete and accurate.

Mail, email, or fax this form to the MOVA Complaint Coordinator.

Mail: MOVA Complaint Coordinator
Mass. Office for Victim Assistance
One Ashburton Pl., Suite 1310
Boston, MA 02108

Email: MOVA@mass.gov

Fax: 617-586-1341

For Official MOVA Use Only

Recd by Complaint Coordinator (signature/date): _____

Date acknowledgment emailed/mailed to Complainant: _____

Agency/date complaint referred: _____

Date/method Complainant notified of referral decision: _____

Attach copies of emailed or mailed correspondence.